

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

**DONNA CURLING, ET AL.,
Plaintiffs,**

v.

**BRAD RAFFENSPERGER, ET AL.,
Defendants.**

Civil Action No. 1:17-CV-2989-AT

**COALITION PLAINTIFFS' NOTICE OF FILING
FURTHER INFORMATION ON DRE-RELATED FEE CLAIM**

On June 29, 2023, in an email directive, the Court asked Coalition Plaintiffs to confirm that the claimed amounts in their fees and expenses application (Doc. 632 (corrected initial detailed specification); Doc. 705 (reply brief with supplemented figures); and Doc. 1685 (itemization of time per phase)), by timekeeper for Phases IV and V, exclude any time and expenses directly associated with litigating the 2018–19 interlocutory appeal in the Eleventh Circuit.

Coalition Plaintiffs have already attempted to exclude all such time and expenses from their claim. (*See* Doc. 632, at 27 & n.5; Doc. 632, at 35; Doc. 705,

at 17 & n.8.) In response to the Court's request, Coalition Plaintiffs state as follows:

1. **Bruce Brown** claimed *no time or expenses* in Phase IV directly associated with litigating the appeal. However, Mr. Brown claimed for \$500 of fees that could potentially be deemed appeal-related in Phase V.

Explanation: Mr. Brown has no time entries in Phase IV that reference the appeal. He has three entries in Phase V (#93, #101, #103) whose narratives reference the appeal. (Doc. 705, at 105–06.) For two of these, #93 and #101, the noted appellate work is described as “not billed.” For the third—#103—the billing narrative for 0.8 hours (at \$625 per hour: \$500) shows that the task was performed for the trial court case, not for the appeal. Although he believes this amount was properly claimed, in an exercise of billing judgment, Mr. Brown now withdraws this \$500 from his claimed fees.

2. **Robert McGuire** claimed *no time or expenses* in Phase IV directly associated with litigating the appeal. However, Mr. McGuire claimed for \$1,654.35 of fees that could potentially be deemed appeal-related in Phase V.

Explanation: Mr. McGuire in Phase V billed a total of 2.69 hours (at \$615 per hour: \$1,654.35) for mediation that occurred in the appellate context. (Doc. 632, at 84 & n.2; Doc. 632, at 105 (#380, #381).) Because settlement is not forum-dependent, this time is properly awardable by this Court, so it was claimed.

Although he believes this amount was properly claimed, in an exercise of billing judgment, Mr. McGuire now withdraws this \$1,654.35 from his claimed fees.

3. **Ichter Davis** inadvertently claimed appellate-related fees of \$97.50 in Phase IV; appellate-related fees of \$2,707.50 in Phase V; and appeal-related expenses of \$15. Ichter Davis did not intend to claim for these appeal-related fees and costs. Accordingly, Ichter Davis now withdraws \$2,805 from its claimed fees and \$15 from its claimed expenses.

Explanation (Phase IV):

- Mr. Ichter billed 0.5 hours 9/28/18 (Phase IV) for appellate calendaring (at \$195 per hour: \$97.50) (Doc. 632, at 146.)

Explanation (Phase V):

- JL billed 0.3 instead of 0.2 hours on 10/9/18 (Phase V) for appellate strategizing (reduction of 0.1 hours at \$195 per hour: \$19.50) (Doc. 632, at 147.)
- JL billed 0.2 instead of 0.1 hours on 10/12/18 (Phase V) for appellate strategizing (reduction of 0.1 hours at \$195 per hour: \$19.50) (Doc. 632, at 147.)
- JL billed 0.1 hours 10/16/18 (Phase V) for appellate file management (reduction of 0.1 hours at \$195 per hour: \$19.50) (Doc. 632, at 147.)
- JL billed 1.5 hours 11/14/18 (Phase V) for appellate file management (reduction of 1.5 hours at \$195 per hour: \$292.50) (Doc. 632, at 147.)
- JL billed 1.6 hours 11/15/18 (Phase V) for appellate work (2 billing entries at \$195 per hour: \$312) (Doc. 632, at 147.)
- JL billed 0.3 hours 11/29/18 (Phase V) for appellate work (at \$195 per hour: \$58.50) (Doc. 632, at 147.)

- JL billed 4.5 hours 11/30/18 (Phase V) for appellate work (at \$195 per hour: \$877.50) (Doc. 632, at 147.)
- JL billed 2.1 hours 12/3/18 (Phase V) for appellate work (at \$195 per hour: \$409.50) (Doc. 632, at 147.)
- JL billed 0.5 hours 12/4/18 (Phase V) for appellate work (at \$195 per hour: \$97.50) (Doc. 632, at 147.)
- JL billed 0.1 hours 12/18/18 (Phase V) for appellate work (at \$195 per hour: \$19.50) (Doc. 632, at 147.)
- JL billed 0.1 hours 2/7/19 (Phase V) for appellate work (at \$195 per hour: \$19.50) (Doc. 632, at 147.)
- Mr. Ichter billed 0.3 instead of 0.2 hours 11/15/18 (Phase V) for appellate work (1 billing entry at \$625 per hour: \$62.50) (Doc. 632, at 147.)
- Mr. Ichter billed 0.8 hours 11/26/18 (Phase V) for appellate strategizing (at \$625 per hour: \$500) (Doc. 632, at 147.)
- Mr. Ichter billed \$15 expense for parking during January 2019 that is likely an appellate mediation expense.

4. **Lawyers' Committee** claimed *no time or expenses* in Phases IV and

V directly associated with litigating the appeal.

5. **The Ney Firm** claimed *no time or expenses* in Phases IV and V

directly associated with litigating the appeal.

6. **Coalition for Good Governance** claimed *no time or expenses* in

Phases IV and V directly associated with litigating the appeal.

7. The Court requested Plaintiffs to provide a breakdown of Phase IV and Phase V appeal-related fees by timekeeper. That breakdown is provided as follows:

**(POTENTIALLY) APPEAL-RELATED FEES AND EXPENSES CLAIMED
(AND NOW WITHDRAWN) IN PHASE IV AND PHASE V**

| | Phase IV appeal-related fees claimed | Phase V appeal-related fees claimed | Appeal-related expenses claimed |
|-------------------|--------------------------------------|-------------------------------------|---------------------------------|
| Bruce Brown | \$0 | \$500 | \$0 |
| Robert McGuire | \$0 | \$1,654.35 | \$0 |
| Ichter Davis | \$97.50 | \$2,707.50 | \$15 |
| Lawyers Committee | \$0 | \$0 | \$0 |
| Ney Firm | \$0 | \$0 | \$0 |
| CGG | N/A | N/A | \$0 |
| TOTAL: | \$97.50 | \$4,861.85 | \$15 |

8. After the amounts identified in the table in Paragraph 7 are withdrawn, the effect on Coalition Plaintiffs' total fee claim is as follows:

COALITION PLAINTIFFS' REVISED TOTAL CLAIM

| | Claimed in Doc. 705, at 47–48 (Tables I–III) | Claimed amounts withdrawn | Claim adjusted for deduction of withdrawn amounts |
|-----------------------------------|--|---|---|
| Coalition Plaintiff's Fee Request | \$1,483,422 | \$4,959.35 <i>(= \$97.50 + \$4,861.85)</i> | \$1,478,462.65 |
| Coalition Pls.' Expense Request | \$415,959 | \$15 | \$415,944 |
| Coalition Pls.' Overall Request | \$1,899,381 | \$4,974.35 | \$1,894,406.65 |

9. After the amounts identified in Paragraph 7 are withdrawn, the effect on Coalition Plaintiffs' individual timekeepers' claims is as follows:

COALITION PLAINTIFFS' REVISED LODESTAR PER TIMEKEEPER

| | Lodestar from Doc. 1685-2 (rounded) | Claimed fee amounts withdrawn | Revised Lodestar Claimed Now (rounded) |
|-------------------|-------------------------------------|-------------------------------|--|
| Bruce Brown | \$631,438 | \$500 | \$630,938 |
| Robert McGuire | \$359,203 | \$1,654 | \$357,549 |
| Ichter Davis | \$178,852 | \$2,805 | \$176,047 |
| Lawyers Committee | \$265,415 | \$0 | \$265,415 |
| Ney Firm | \$48,514 | \$0 | \$48,514 |

COALITION PLAINTIFFS' REVISED TOTAL EXPENSES CLAIMED PER TIMEKEEPER

| | Expenses from Doc. 705, at 48 (Table 2) | Claimed Expense Amounts Withdrawn Here | Revised Expenses Claimed Now |
|-------------------|---|--|------------------------------|
| Bruce Brown | \$469 | \$0 | \$469 |
| Robert McGuire | \$4,808 | \$0 | \$4,808 |
| Ichter Davis | \$1,772 | \$15 | \$1,757 |
| Lawyers Committee | \$13,155 | \$0 | \$13,155 |
| Ney Firm | \$0 | \$0 | \$0 |
| CGG | \$395,780 | \$0 | \$395,780 |

Respectfully submitted this June 30, 2023.

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CERTIFICATE OF COMPLIANCE

I hereby certify that the foregoing document has been prepared in accordance with the font type and margin requirements of LR 5.1, using font type of Times New Roman and a point size of 14.

/s/Robert A. McGuire, III
Robert A. McGuire, III

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CERTIFICATE OF SERVICE

I hereby certify that on June 30, 2023, I served a copy of the foregoing upon counsel for the Defendants via CM/ECF.

/s/Robert A. McGuire, III
Robert A. McGuire, III